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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the)
Suspension or Revocation)
of the License of)

Administrative Action

LORNOLD W. MOORE, D.M.D.)
License No. 13492)

FINAL DECISION
AND
ORDER

To Practice Dentistry)
in the State of)
New Jersey)

This matter was brought before the New Jersey State Board of Dentistry ("Board") on the complaint of Robert J. Del Tufo, Attorney General of New Jersey, by Anne Marie Kelly, Deputy Attorney General, which was filed with the Board on November 30, 1990. The complaint alleged in the first count that the respondent submitted dental service claim forms to New Jersey Medicaid for approximately 30 patients which contained claims for benefits for services which were not in fact performed. The complaint further alleged in 14 additional counts gross negligence and/or repeated acts of negligence in regard to the dental treatment rendered by the respondent to various named patients. The respondent filed four certifications with the Board denying the allegations of the complaint.

On December 19, 1990, an interim Consent Order was entered by the Board requiring the respondent to submit to observation by a New Jersey licensed dentist on a random unannounced basis at his dental offices until such time as the complaint against the

respondent was finally resolved. The matter was then referred to the Office of Administrative Law as a contested case. The matter was set down for hearings in November and December 1991.

Prior to the hearings, the parties settled the matter and filed a letter agreement dated November 27, 1991, with Edith Klinger, Administrative Law Judge, indicating the terms of the settlement signed by Anne Marie Kelly, Deputy Attorney General, for the petitioner, and J. Barry Coccoziello, Esq., counsel for the respondent.

Judge Klinger's Decision Approving Settlement was issued on December 19, 1991, and is incorporated by reference as if fully set forth herein. Since the Board consented to the terms of settlement, the decision was deemed the final decision. N.J.A.C. 1:1-19.1(b)2.

On February 5, 1992, in accordance with the terms of the settlement agreement, the Board held a hearing for the purpose of taking testimony in mitigation of sanctions. J. Barry Coccoziello, Esq. appeared on behalf of the respondent, and Anne Marie Kelly, Deputy Attorney General, appeared on behalf of the Attorney General. The respondent also appeared personally before the Board, but he did not testify. Mr. Coccoziello provided the Board with a letter brief setting forth background information regarding the respondent and legal argument in support of reduced sanctions. Several letters from patients also were submitted to the Board in support of the respondent.

After due consideration of the Administrative Law Judge's decision, the terms of the settlement agreement, the record of

proceedings before the Board, and mitigating circumstances for a determination of sanctions, the Board finds that the settlement agreement represents a fairly compromised resolution of the complaint. The Board further finds that there is no convincing evidence by way of affidavit or testimony to persuade the Board to reduce the sanctions which were previously agreed to by the parties. The terms of the agreement were achieved after a substantial period of time devoted to negotiations in which the respondent was more than adequately represented by counsel. Accordingly, the Board finds that the terms of the settlement agreement as entered herein are just and consistent with the allegations of the complaint and that there is absolutely no reason why the agreement should not be honored and enforced as it stands.

WHEREFORE, IT IS ON THIS 22nd DAY OF FEBRUARY, 1992,

HEREBY ORDERED THAT:

1. Respondent's license to practice dentistry shall be revoked for a period of two (2) years. Said revocation shall commence sixty (60) days from the entry date of this Order.
2. The Board shall not entertain any petition for reinstatement of the license to practice dentistry of the respondent prior to the expiration of the two year period.
3. During the two year period of revocation, the respondent shall comply with the "Directive Regarding Future Activities of Dental Board Licensee Who Has Been Disciplined" which is attached hereto as Exhibit A and made a part of this Order.
4. During the two year period of revocation the respondent

shall successfully complete no fewer than 225 hours of continuing education in basic areas of dental practice as may be determined by the Board from time to time and to include, but not necessarily be limited to, the areas of crown and bridge dentistry, restorative dentistry, periodontics, and endodontics. It shall be respondent's responsibility to submit adequate course descriptions or other necessary information in writing to the Board at least thirty (30) days in advance of the course enrollment for the Board to approve such course. The literature provided by the educational institution describing the courses to the intended participants shall be considered sufficient for this purpose. Written documentation of respondent's successful completion of such courses shall be obtained by him and forwarded to the Board at the end of each month within which the course was completed. All costs of such work shall be borne entirely by the respondent.

5. Respondent shall, as a condition for any re-admission to licensure, satisfy all terms and conditions required herein and appear before the Board to demonstrate his ability to re-enter the practice of dentistry, including re-examination and/or remediation as may be required by the Board.

6. Upon respondent's re-admission to licensure, he shall perform 350 hours of dental community service to be designated by the Board and which shall be completed within one (1) year from the entry of the Order reinstating respondent's license.

7. Respondent shall be assessed a civil penalty in the amount of \$10,000 which shall be submitted by certified check or

money order made payable to the State of New Jersey and submitted to the Board of Dentistry, Agnes Clarke, Executive Director, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, within thirty (30) days of the entry date of this Order. In the event the respondent elects to pay the aforesaid penalty in installments, a monthly payment schedule shall be authorized in writing by the Board's Executive Director not to exceed two (2) years. Any such schedule shall include interest at 8% per year.

8. The respondent shall forward to the Board within ninety (90) days of the entry date of this Order a certified check or money order in the amount of \$17,872.50 made payable to the New Jersey Department of Human Services, Division of Medical Assistance & Health Services ("Medicaid"). In the event the respondent elects to pay the aforesaid restitution in installments, a monthly payment schedule shall be authorized in writing by the Board's Executive Director not to exceed two (2) years. Any such schedule shall include interest at 8% per year.

9. The respondent shall immediately cause to be withdrawn or dismissed with prejudice any and all civil collection actions against Rebecca Taylor. In the event that a judgment has been obtained against Rebecca Taylor, the respondent shall cause a Warrant of Satisfaction of Judgment to be filed absolving Rebecca Taylor of any alleged debt owed to the respondent. The respondent shall, with fifteen (15) days of receipt of documentation of compliance with this paragraph, forward such documentation to the Board.

10. The respondent shall within ninety (90) days of the

entry date of this Order forward a certified check or money order to the Board in the amount of \$1,590 made payable to the Prudential Insurance Company for the benefit of Rebecca Taylor. Said check shall be forwarded by the Board to the Prudential Insurance Company.

11. The respondent shall within ninety (90) days of the entry date of this Order forward to the Board a certified check or money order in the amount of \$1,028 made payable to the Newark Laborer's Welfare Fund for the benefit of Patricia Stevenson. Said check shall be forwarded by the Board to the Newark Laborer's Welfare Fund.

12. The respondent shall immediately cause to be withdrawn or dismissed with prejudice any and all civil collection actions against Patricia Stevenson. In the event that a judgment has been obtained against Patricia Stevenson, the respondent shall cause a Warrant of Satisfaction of Judgment to be filed absolving Patricia Stevenson of any alleged debt owed to the respondent. The respondent shall, within fifteen (15) days of receipt of documentation of compliance with this paragraph, forward such documentation to the Board.

13. The respondent shall immediately dissolve or transfer all right, title and interest in Northeast Health Associates, P.A. and any other professional corporation organized to render dental services pursuant to N.J.S.A. 14A:17-1 et seq. of which he is a shareholder.



William R. Cinotti, D.D.S.
President
State Board of Dentistry

DIRECTIVE REGARDING FUTURE ACTIVITIES OF
DENTAL BOARD LICENSEE WHO HAS BEEN DISCIPLINED

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
- 3) Inform each patient at the time of any inquiry of the ~~suspended~~ or revoked or retired status of the licensee. When a new professional is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing medical record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices the profession.
- 5) Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
- 6) Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the disciplined practitioner to practice the profession.
- 7) Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Medications possessed for office use shall be lawfully disposed of, transferred or safeguarded.

8) The disciplined licensee shall require that for a six-month period following the start of a suspension or revocation of license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. The same information shall be disseminated by means of a notice to be published at least once per month for the same six month period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.

9) Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

10) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and/or equipment.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a member of a professional group which uses a group-type name such as the ABC Medical Group. The disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.